

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EXPORT DEVELOPMENT CANADA

Plaintiff,

- against -

EAST COAST POWER & GAS, LLC,

Defendants.

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21-CV-3758 (NRB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses Judgment-Creditor EDC's letter motion at Dkt. 50 to set specific deadlines and time frames for Judgment-Debtor East Coast both to comply with certain discovery requests and for the meet and confer process going forward. East Coast opposes. (See Dkt. 51.) A judgment-debtor by nature of its status has a judgment in hand for which it is entitled to satisfaction. Delays in discovery in aid of enforcing the judgment prejudice the judgment-creditor and increase the potential for dissipation of assets to satisfy the judgment.

East Coast faults EDC for failing to meet and confer about its request. That is disingenuous given that the subject of East Coast's application is EDC's failure to cooperate and engage in the meet and confer process. At the same time, EDC appears to have acted somewhat precipitously. Further, according to East Coast, the sole remaining full-time employee and point of contact for counsel recently sustained (unspecified) severe injuries in a car accident, thus posing difficulties to acting promptly.

Having considered the submissions and prior proceedings, EDC's request is granted in part and denied in part as follows.

USDC SDNY
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DOC #: _____
DATE FILED: <u>12/4/2023</u>

1. East Coast shall conduct a meet and confer call with EDC concerning East Coast's responses to EDC's first set of requests for production and privilege log by December 11, 2023.

2. Going forward, absent good cause, with respect to discovery-related disputes, counsel to the parties shall conduct at least an initial meet and confer call within 5 business days of a request by opposing counsel.

3. The Court will consider additional and/or more restrictive deadlines and obligations in the future should that prove necessary.

East Coast's request in Dkt. 51 to strike EDC's letter motion and the Mannion Declaration is denied.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 50

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 4, 2023
New York, New York

Copies transmitted this date to all counsel of record.